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Networks, Inc. and Defendants Alfred J. Amoroso,
C. Nicholas Keating, Jr., J. Steven Young, Laurence
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Chandra Kopparapu, Ivy Pei Shan Hsu, Karl D.
Triebs, Lee Chen, Robert W. Shackleton, William
S. Kallaos, Andrew K. Ludwick

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION ***E-FILED - 9/12/07***

IN RE FOUNDRY NETWORKS, INC.
DERIVATIVE LITIGATION

Master File No. C-06-05598-RMW

**STIPULATION AND ~~PROPOSED~~
ORDER RE: MOTION TO DISMISS
ARGUMENT**

THIS DOCUMENT RELATES TO:
ALL ACTIONS

WHEREAS, on June 1, 2007, the parties to the above-captioned matter attended a Case
Management Conference; and

WHEREAS, following the Case Management Conference the Court continued the Case
Management Conference to September 14, 2007 at 10:30 a.m., the same day as the motion to
dismiss argument; and

WHEREAS, September 14, 2007 immediately precedes Rosh Hashanah, which directly
impacts counsel for Plaintiffs; and

THEREFORE, IT IS STIPULATED AND AGREED by Plaintiffs, Foundry and the Individual Defendants, through their respective counsel of record, as follows:

2. The parties agree that, by entering into this stipulation, they do not waive any claim, argument or defense that they may have in this action and that nothing in this stipulation limits the rights of any party to take any action not inconsistent with its express terms.

DLA PIPER US LLP

By _____ /s/
SHIRLI F. WEISS

Attorneys for Nominal Defendant Foundry Networks, Inc. and Defendants Alfred J. Amoroso, C. Nicholas Keating, Jr., J. Steven Young, Laurence L. Akin, Ken K. Cheng, John P. Burger, Benjamin D. Taft, Paul L. Twombly, Richard W. Bridges, Chandra Kopparapu, Ivy Pei Shan Hsu, Karl D. Tribes, Lee Chen, Robert W. Shackleton, William S. Kallaos, Andrew K. Ludwick

1
2 Dated: August 22, 2007

WILSON SONSINI GOODRICH & ROSATI PC

3
4 By _____/s/
BORIS FELDMAN

5 Attorneys for Defendant Bobby R. Johnson, Jr.
6

7
8 Dated: August 22, 2007

KEKER & VAN NEST LLP

9
10 By _____/s/
ELLIOT R. PETERS

11 Attorneys for Defendant Timothy D. Heffner
12

13
14 Dated: August 22, 2007

SCHIFFRIN BARROWAY TOPAZ & KESSLER
LLP

15
16 By _____/s/
ALAN R. PLUTZIK

17
18 Co-Lead Counsel for Plaintiffs
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20 Dated: August 22, 2007

KELLER ROHRBACK L.L.P.

21
22 By _____/s/
JULI E. FARRIS

23
24 Co-Lead Counsel for Plaintiffs
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Attestation Pursuant To General Order 45

I, Alan R. Plutzik, attest that concurrence in the filing of this document has been obtained from the other signatories. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 22nd day of August, 2007 at Walnut Creek, California.

/s/ Alan R. Plutzik

* * * *

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 9/12/07

Ronald M. Whyte

THE HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE